

By: Ellis

S.B. No. 1149

A BILL TO BE ENTITLED

AN ACT

relating to compensating persons wrongfully incarcerated for interest paid or owed on college loans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 103.105, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) If the trier of fact finds that the petitioner is entitled to compensation, the petitioner is entitled to:

(1) expenses incurred by the petitioner in connection with all associated criminal proceedings and appeals and in connection with obtaining the petitioner's discharge from imprisonment, including any fine or court costs paid and reasonable attorney's fees, including reasonable attorney's fees for prosecuting the lawsuit under this subchapter;

(2) wages, salary, or other earned income that was lost as a direct result of the arrest, prosecution, conviction, or wrongful imprisonment; ~~and~~

(3) medical and counseling expenses incurred by the petitioner as a direct result of the arrest, prosecution, conviction, or wrongful imprisonment; and

(4) for a loan used to pay the costs of attending a public or private institution of higher education in this state held by the petitioner any time during the period beginning on the

1 date of the arrest of the petitioner and ending on the date the
2 trier of fact found, the amount of interest that the petitioner paid
3 or owed on the loan for that period.

4 (d) The amount of damages awarded by the trier of fact under
5 Subsection (a)(4) does not apply toward the limit on total damages
6 under Subsection (c).

7 SECTION 2. This Act applies to damages awarded under
8 Chapter 103, Civil Practice and Remedies Code, without regard to
9 whether the suit commenced before, on, or after the effective date
10 of this Act.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.